REMARKS

This Application has been reviewed carefully in light of the Office Action mailed June 2, 2004 (*"Office Action"*). Claims 1-53 were pending in the Application and stand rejected. Applicants amend Claims 10-12, 16-18, 22, 25, 30, 32, 33, 38, 40, 43, 45, 49, and 50. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §112

The Examiner rejects Claims 1-19 and 25-53 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that the phrase "the telephony resource" lacks antecedent basis in Claims 1, 7, 14, 33, 41, and 47 and that the phrase "the resource" lacks antecedent basis in Claim 25. Applicants amend Claim 25 to recite "the telephony resource."

Applicants respectfully submit that the §112 rejections are improper. In independent Claims 1, 7, 14, 25, 33, 41, and 47, "the telephony resource" finds antecedent basis in the phrase "for each of the telephony resources." For example, consider the pertinent part of Claim 1:

> . . . for each of the telephony resources, a protocol module
> required to process signals received by the telephony resource . . .

Because "the telephony resource" finds proper antecedent basis in Claims 1, 7, 14, 25, 33, 41, and 47, Applicants respectfully request that the Examiner reconsider and withdraw the §112 rejection of Claims 1, 7, 14, 25, 33, 41, and 47.

The remaining claims rejected under §112 were only rejected for depending upon rejected base claims. Therefore, for at least these reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §112 rejections of Claims 1-19 and 25-53.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1-3, 6-8, 10, 12, 14, 15, 17-21, 24-30, 33-37, 41, 42, 44-48, and 50-53 under 35 U.S. §102(e) as being anticipated by U.S. Patent No. 5,946,634, which issued to Korpela, et al. (*"Korpela"*). To anticipate a claim, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Applicants' Claim 1 recites:

> A configurable telecommunications system, comprising:
>
> an interface device having a plurality of telephony resources and operable to maintain a local protocol database comprising a plurality of protocol modules, to identify, for each of the telephony resources, a protocol module required to process signals received by the telephony resource, to determine, for each of the identified protocol modules, whether the identified protocol module is valid in the local protocol database, to request each of the protocol modules not determined valid from a system controller, to receive the requested protocol modules from the system controller, and to store the requested protocol modules in the local protocol database; and
>
> the system controller operable to maintain a system protocol database storing a plurality of master protocol modules, to receive requests from the interface device requesting selected ones of the master protocol modules, and to communicate the requested master protocol modules from the system protocol database to the interface device.

Applicants respectfully submit that *Korpela* fails to describe every element of this Claim.

Among other aspects of Claim 1, *Korpela* fails to describe "an interface device having a plurality of telephony resources." Note that telephony resources may be various types of resources, such as integrated services digital network (ISDN) resources. *See Specification*, at p. 6, ll. 9-11. For example, an interface device may include resources such as spans and bearers. *See id.*, at p. 9, ll. 18-28; Figure 3; and p. 8, ll. 12-17. However, as describing "an interface device having a plurality of telephony resources," the Examiner cites to *Korpela*'s discussion of a mobile terminal that includes "a loudspeaker, a microphone, keypad, an LCD, I/O port, a voice call, a data session, fax, videophone." However, a mobile terminal including this list of parts and other features fails to describe "an interface device having <u>a plurality of telephony resources</u>."

Furthermore, *Korpela* fails to describe an interface device that is operable "to identify, for each of the telephony resources, a protocol module required to process signals received by the telephony resource." As describing this element, the Examiner cites to *Korpela*'s discussion that "a mobile terminal 10 receives a network type signal 102 identifying a network type for which the mobile terminal 10 has no stored protocol code file 151, 152." *Korpela*, Col. 6, ll. 37-40. Applicants respectfully point out that the protocol code files

discussed in *Korpela* bear no relation to the list of parts and other features cited by the Examiner as showing "telephony resources." Moreover, identifying a network type for which there is no stored protocol fails to describe "identify[ing], <u>for each of the telephony resources,</u> a protocol module required to process signals received by the telephony resource."

In addition, *Korpela* fails to describe an interface device that is operable "to determine, for each of the identified protocol modules, whether the identified protocol module is valid in the local protocol database." As teaching this element, the Examiner again cites to *Korpela*'s discussion that "a mobile terminal 10 receives a network type signal 102 identifying a network type for which the mobile terminal 10 has no stored protocol code file 151, 152." *Korpela*, Col. 6, ll. 37-40. Again, Applicants respectfully point out that the protocol code files discussed in *Korpela* bear no relation to the list of parts and other features cited by the Examiner as showing "telephony resources." Moreover, identifying a network type for which there is no stored protocol fails to describe "determin[ing], <u>for each of the identified protocol modules,</u> whether the identified protocol module is valid in the local protocol database."

For at least these reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §102 rejection of independent Claim 1 and its respective dependent claims. For reasons analogous to those discussed above with regard to Claim 1, Applicants request that the Examiner reconsider and withdraw the §102 rejections of independent Claims 7, 14, 20, 25, 33, 41, and 47 and their respective dependent claims.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 4, 5, 9, 11, 13, 16, 22, 23, 31, 32, 38-40, 43, and 49 under 35 U.S.C. §103(a). To establish obviousness of a claimed invention under §103, all claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03.

Claim 13

The Examiner rejects Claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Korpela*. Claim 13 depends from independent Claim 7, which was shown above to be allowable over *Korpela*. Thus, because Claim 13 depends from and includes every element of an allowable independent claim, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claim 13.

Furthermore, Applicants respectfully submit that Claim 13 includes additional elements not taught or suggested by *Korpela*. Claim 13 recites:

> The telecommunications device of Claim 7, wherein the controller is further operable to:
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> process signals associated with a communication session using a first version of a specific protocol module stored in the protocol database;
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> receive an updated version of the specific protocol module during the communication session;
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> store the updated version of the specific protocol in the protocol database;
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> complete processing of the communication session using the first version of the specific protocol module; and
>
> remove the first version of the specific protocol module after processing of the communication session is complete.

Among other aspects of Claim 13, *Korpela* fails to teach or suggest a controller operable to "receive an updated version of the specific protocol module during the communication session." The Examiner admits that *Korpela* fails to teach or suggest this element. *Office Action*, p. 7. However, the Examiner states that "[i]t would have been obvious to one [of] ordinary skill in the art at the time the invention was made to add a method that update[d] and store[d] the specific protocol in the protocol database during [the] communication session." *Office Action*, p. 7. Applicants respectfully disagree. Furthermore, to the extent that the Examiner maintains this assertion based on "Official Notice," "well known prior art," "common knowledge," or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

Furthermore, *Korpela* fails to teach or suggest a controller operable to "complete processing of the communication session using the first version of the specific protocol module." Without specifically addressing each element of Claim 13, the Examiner generally states that Figure 12 of *Korpela* discloses that:

> the mobile terminal registers on the network corresponding to the newly downloaded protocol file, [and] the session proceeds using the newly download[ed] protocols until the registration is terminated or each session has been terminated or the mobile [terminal] has moved out [of] range.

Office Action, p. 7. However, proceeding with a communication session using a newly downloaded protocol fails to teach or suggest "complet[ing] processing of the communication session using the first version of the specific protocol module."

In addition, *Korpela* fails to teach or suggest a controller operable to "remove the first version of the specific protocol module after processing of the communication session is complete." With regard to Figure 12, *Korpela* does disclose that the newly downloaded protocol code file is deleted. *Korpela*, Col. 7, ll. 6-8. However, deleting the newly downloaded protocol file fails to teach or suggest "remov[ing] the first version of the specific protocol module after processing of the communication session is complete."

For at least these reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claim 13.

Claims 4, 5, 9, 11, 16, 22, 23, 31, 32, 38-40, 43, and 49

The Examiner rejects Claims 4, 5, 9, 11, 16, 22, 23, 31, 32, 38-40, 43, and 49, under U.S.C. §103(a) as being unpatentable over *Korpela* in view U.S. Patent No. 6,426,963, which issued to Kim ("*Kim*"). Each of these claims depend from an independent claim shown above to be patentable over *Korpela*. The introduction of *Kim* fails to provide the elements of Applicants' independent claims not shown by *Korpela*.

Additionally, Applicants submit that the there is no teaching, suggestion, or motivation to combine or modify the teachings of *Korpela* and *Kim* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner must show some teaching, suggestion, or motivation to combine or modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. M.P.E.P. §2143.01. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). "The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. §2143.01. Thus, the mere assertion that the teachings of one reference improve the teachings of another reference, as the Examiner asserts, does not provide the required suggestion to combine.

Thus, for at least these reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 4, 5, 9, 11, 16, 22, 23, 31, 32, 38-40, 43, and 49.

CONCLUSION

Applicants have made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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